



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: Col. W.S. Flaherty, Superintendent
Department of State Police

FROM: Charles A. Quagliato
Assistant Attorney General

DATE: December 19, 2008

SUBJECT: Regulation Relating to Motor Carrier Safety Regulations – 19 VAC 30-20.

In response to a request from the Department of State Police, I have reviewed the proposed technical amendments to the regulations to be set forth in 19 VAC 30-20 relating to compliance with changes in the controlling Federal Motor Carrier Regulations (49 CFR Part 390, sections 390-397). Upon review of the aforesaid amendments, I find it to be constitutional, consistent with the statutory authority conferred by § 52-8.4 of the Code of Virginia, and in conformity with existing statutory provisions. This change to the regulations is exempted from the Administrative Process Act, pursuant to § 2.2-4006(A)(4)(c), in order meet the requirements of federal law or regulations.

Please note that this memorandum is intended to provide legal interpretations and legal advice, not policy advice. To the extent that this communication may advise you that a certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action.